

ALLEGED SHIPMENT: On or about October 16, 1945, by the Atlantic Coast Fisheries Co., from Cleveland, Ohio.

PRODUCT: 141 15-pound boxes of frozen whiting at Indianapolis, Ind.

LABEL, IN PART: "Fresh Frozen Genuine Cape Cod Whiting."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed fish.)

DISPOSITION: September 11, 1947. Default decree of forfeiture and destruction.

13629. Adulteration of frozen halibut and frozen lobster tails. U. S. v. Golden M & M, Inc., Jack Mandelbaum, Nathan Golden, and Morris Miller. Pleas of guilty. Corporation fined \$150; sentence against individuals suspended. (F. D. C. No. 23327. Sample Nos. 63236-H, 63237-H, 63937-H, 65035-H.)

INFORMATION FILED: April 12, 1948, District of New Jersey, against Golden M & M, Inc., Newark, N. J., and Jack Mandelbaum, president, Nathan Golden, vice-president, and Morris Miller, secretary-treasurer.

ALLEGED SHIPMENT: On or about May 23 and July 19 and 24, 1946, from the State of New Jersey into the States of New York and Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances, i. e., decomposed lobster tails and halibut.

DISPOSITION: May 28, 1948. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$150; suspended sentences were given the individual defendants.

13630. Adulteration of canned crab meat. U. S. v. Fred Whorton, Jr. (Whorton Bros. Fish & Oyster House). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 24060. Sample Nos. 90370-H, 90371-H.)

INFORMATION FILED: December 30, 1947, Eastern District of North Carolina, against Fred Whorton, Jr., trading as Whorton Bros. Fish & Oyster House, Oriental, N. C.

ALLEGED SHIPMENT: On or about August 26 and 27, 1947, from the State of North Carolina into the States of Pennsylvania and New York.

LABEL, IN PART: "Whorton Brothers * * * Claw Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under unsanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 13, 1948. A plea of nolo contendere having been entered, the defendant was fined \$200.

13631. Adulteration of canned crab meat. U. S. v. 300 Cases, etc. (F. D. C. No. 23454. Sample Nos. 85217-H, 85218-H.)

LIBEL FILED: June 24, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about February 10, 1947, by the Orleans Seafood Co., from New Orleans, La.

PRODUCT: Canned crab meat. 300 cases, each containing 24 7 $\frac{1}{2}$ -ounce cans, and 299 cases, each containing 24 6 $\frac{1}{2}$ -ounce cans, at Richmond, Va.

LABEL, IN PART: "Orleans Brand Claw Meat * * * Orleans Seafood Co. * * * Distributors" or "Southland Brand Claw Meat * * * Southland Canning & Packing Co. Inc. Distributors New Orleans, La."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed crab meat.)

DISPOSITION: November 6, 1947. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT*

13632. Misbranding of canned blackberries. U. S. v. 349 Cases * * *. (F. D. C. No. 23022. Sample No. 49500-H.)

LIBEL FILED: May 9, 1947, Eastern District of Texas.

*See also No. 13673.

ALLEGED SHIPMENT: On or about March 27, 1947, by the Stedman Co., Lake Charles, La.

PRODUCT: 349 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Beaumont, Tex.

LABEL, IN PART: "Famous Star Brand Blackberries * * * Packed by Star Canning Co., Lindale, Tex."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since water was not declared. (The product was packed in water.)

DISPOSITION: June 10, 1947. The Star Canning Co., Lindale, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration.

13633. Misbranding of canned cherries. U. S. v. 160 Cases * * *. (F. D. C. No. 21615. Sample Nos. 64455-H, 64566-H.)

LIBEL FILED: November 6, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 16, 1946, by Escalon Packers, Inc., from Escalon, Calif.

PRODUCT: 160 cases, each containing 24 1-pound, 13-ounce cans, of cherries at Brooklyn, N. Y.

LABEL, IN PART: "Dora Seconds Dark Sweet Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear as required by the definition and standard of identity for canned cherries the name of the optional packing medium in the article, since the label bore the statement "In Light Syrup," whereas the article was packed in sirup designated as "slightly sweetened water" in the standard. Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cherries, since the weight of each cherry in the container was less than $\frac{1}{10}$ ounce, the minimum permitted by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: September 28, 1948. B. Dorman & Sons, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

13634. Misbranding of canned peaches. U. S. v. 145 Cases * * *. (F. D. C. No. 22300. Sample No. 91511-H.)

LIBEL FILED: February 24, 1947, District of Kansas.

ALLEGED SHIPMENT: On or about November 4, 1946, by the Pleasant Grove Canning Co., from Pleasant Grove, Utah.

PRODUCT: 145 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Goodland, Kans.

LABEL, IN PART: "Utah Valley Brand Yellow Freestone Peaches Peeled Halves Packed in Medium Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear as required by the regulations the name of the optional packing medium present in the food, since the label bore the statement "Packed in Medium Syrup" and the article was packed in light sirup; and, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since all units were not untrimmed or so trimmed as to preserve normal shape, and its label failed to bear the substandard legend.

DISPOSITION: May 28, 1947. The Pleasant Grove Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13635. Misbranding of canned peaches. U. S. v. 49 Cases * * *. (F. D. C. No. 24655. Sample No. 21457-K.)

LIBEL FILED: On or about June 14, 1948, Western District of Missouri.